

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SENAD LIBIC,)	
)	
Plaintiff,)	
)	
v.)	No. 4:12CV1907 CAS
)	(FRB)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security, ¹)	
)	
Defendant.)	

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

This cause is on appeal from an adverse ruling of the Social Security Administration. Presently pending before the Court is defendant's Motion to Reverse and Remand (Doc. #21). All pretrial matters were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b) for appropriate disposition.

Defendant answered plaintiff's Complaint in this cause on January 18, 2013. In the instant Motion to Reverse and Remand, defendant requests that the matter be remanded for further consideration of plaintiff's claims. Specifically, defendant avers that, upon remand, the Appeals Council will direct an

¹On February 14, 2013, Carolyn W. Colvin became the Acting Commissioner of Social Security. Pursuant to Fed. R. Civ. P. 25(d), Carolyn W. Colvin should therefore be substituted for former Commissioner Michael J. Astrue as defendant in this cause of action.

Administrative Law Judge to fully reevaluate the medical record and consider all of the medical source evidence from treating and examining physicians to determine what plaintiff can do despite his impairments; to reconsider all of the treating and examining source opinions, and specifically that of Dr. Ardekani, and provide a rationale as to the weight accorded such opinions; to give further consideration to plaintiff's maximum residual functional capacity and provide appropriate rationale with specific reference to evidence of record to support assessed limitations; obtain evidence from a medical expert if necessary; and obtain testimony from a vocational expert to clarify the impact of plaintiff's limitations on his occupational base. The defendant therefore requests that the matter be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration of plaintiff's claims. Plaintiff has not responded or otherwise objected to defendant's motion, and the time for doing so has passed.

A review of the defendant's Motion to Reverse and Remand shows it to be well taken. See, e.g., Buckner v. Apfel, 213 F.3d 1006, 1009-11 (8th Cir. 2000).

Accordingly,

IT IS HEREBY RECOMMENDED that Acting Commissioner of Social Security Carolyn W. Colvin be substituted for former Commissioner Michael J. Astrue as defendant in this cause.

IT IS FURTHER RECOMMENDED that defendant's Motion to

Reverse and Remand (Doc. #21) be granted.

IT IS FURTHER RECOMMENDED that the decision of the Commissioner be reversed and that this cause be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration of plaintiff's claims.

Any written objections to this Report and Recommendation shall be filed **forthwith**. Failure to file objections may result in waiver of the right to appeal questions of fact. Thompson v. Nix, 897 F.2d 356, 357 (8th Cir. 1990).



UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of September, 2013.